

CHAPTER NO. 855

HOUSE BILL NO. 2478

By Representatives Head, Hood, Bone, McDonald, Sands, Maddox, Fitzhugh

Substituted for: Senate Bill No. 2057

By Senator Burchett

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, Part 1, relative to driving away without paying for motor fuel.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 14, Part 1, is amended by adding the following new section:

Section 39-14-1___. (a)(1) In addition to the fine and imprisonment authorized by law for the offense of theft, the court may order the suspension of the driver license of a person convicted of theft for a first time for a period not to exceed six (6) months if such theft conviction involved a person driving his or her motor vehicle off the premises of an establishment where gasoline is offered for retail sale after dispensing gasoline or motor vehicle fuel into the fuel tank of such motor vehicle and failing to remit payment or make an authorized charge for the gasoline or motor vehicle fuel that was dispensed.

(2) In addition to the fine and imprisonment authorized by law for the offense of theft, the court shall order the suspension of the driver license of a person convicted of theft for a second time for a period of six (6) months if both such theft convictions involved are of the type of theft specified in subsection (a)(1).

(3) In addition to the fine and imprisonment authorized by law for the offense of theft, the court shall order the suspension of the driver license of a person convicted of theft for a third or subsequent time for a period of one (1) year if all of such theft convictions involved are of the type of theft specified in subsection (a)(1).

(b) If a person's driver license has been suspended under the provisions of subsection (a), the court is vested with the authority and discretion to allow the continued use of a restricted driver license for the purpose of going to and from and working at such person's regular place of employment or in the case of a student enrolled full time in a college or university, going to and from such college or university. The same restrictions and requirements for obtaining the license contained in §55-50-502(c)(3) or (4) shall also apply to restricted licenses issued under this subsection.

(c)(1) Whenever a person is convicted of an offense under the provisions of subsection (a) and the court orders the suspension of the driver license of such person, the court in which such conviction is had shall confiscate the license being suspended and forward it to the Department of Safety along with a report of the license suspension. If the court is unable to take physical possession of such license, the court shall nevertheless forward the report to the department. The report shall include the complete name, address, birth date, eye color, sex, and driver license number, if known, of the person whose license

has been suspended, and shall indicate the first and last day of the suspension period. If the person is the holder of a license from another state, the court shall not confiscate the license but shall notify the department, which shall notify the appropriate licensing officials in such other state. The court shall, however, suspend the person's nonresident driving privileges for the appropriate length of time. The term "conviction" shall have the same meaning as defined in §55-50-503.

(2) Upon receiving such record and the driver license from the court, the department shall suspend the driver license of the person for those periods specified in subsection (a).

(3) At the end of the period of time established in subsection (a) and prior to reinstatement of the license, the person upon applying for reinstatement of such license shall pay the restoration fee to the department as required under §55-12-129(b).

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.


SECTION 3. This act shall take effect July 1, 2000, the public welfare requiring it.

PASSED: May 22, 2000


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 30th day of May 2000


DON SUNDQUIST, GOVERNOR